

REMARKS

The present amendment is submitted in response to the Office Action dated September 17, 2004, which set a three-month period for response. Filed herewith is a Request for a One-month Extension of Time, making this amendment due by January 17, 2004.

Claims 1-11 are pending in this application.

In the Office Action, the drawings were objected to under 37 CFR 1.83(a) as not showing the "lugs 26" and "throughgoing openings 27" as described in the specification. The specification was objected to for various informalities. Claims 4 and 10 were also objected to for informalities. Claim 9 was rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,043,616 to Katsuzawa et al in view of U.S. Patent No. 5,142,178 to Kloster et al.

In the present amendment, the drawings, specification, and claims 4, 9, and 10 have been amended to address the stated objections and rejection under Section 112, second paragraph.

Fig. 1 has been amended to indicate the lugs 26 and throughgoing openings 27.

To more clearly define the present invention over the cited references, claim 1 has been amended to define that the stator body is clamped between radially extending housing parts in an axially force-transmitting manner "in such a manner that the raised portions of the lamellas are clamped to a housing part in

said force-transmitting manner, and wherein a form-locking connection is established when the raised portions dig into neighboring housing walls”.

As described on pages 4-6 of the present application, a main objective of the present invention is to maintain the stator in a stable manner from turning about its longitudinal axis within the housing ONLY by the clamping force of the housing parts, without the use of extra fixing elements such as screws, bolts, and the like.

The Applicant respectfully submits that the cited combination of references fails to disclose or suggest to the practitioner the combination of features of amended claim 1. Specifically, none of the cited references discloses that raised portions of lamellas are clamped to a housing part in a force-transmitting manner AND that a form-locking connection is established when the raised portions dig into neighboring housing walls.

It is respectfully submitted that since the prior art does not suggest the desirability of the claimed invention, such art cannot establish a prima facie case of obviousness as clearly set forth in MPEP section 2143.01. When establishing obviousness under Section 103, it is not pertinent whether the prior art device possess the functional characteristics of the claimed invention, if the reference does not describe or suggest its structure. *In re Mills*, 16 USPQ 2d 1430, 1432-33 (Fed. Cir. 1990).

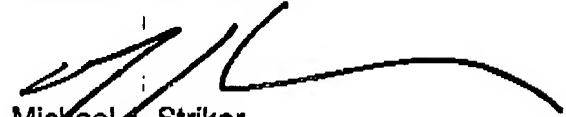
For the reasons set forth above, the Applicants respectfully submit that claims 1-11 are patentable over the cited art. The Applicant further requests

withdrawal of the rejection under 35 U.S.C. 103 and reconsideration of the claims as herein amended.

In light of the foregoing amendments and arguments in support of patentability, the Applicant respectfully submits that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700